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**MAY - 5 2008**

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May 2, 2008

**Via Fax 212-805-7932**  
 Honorable Theodore H. Katz  
 United States District Court  
 Southern District of New York  
 500 Pearl Street  
 New York, N.Y. 10007

**USDC SDNY  
 DOCUMENT  
 ELECTRONICALLY FILED  
 DOC #: \_\_\_\_\_  
 DATE FILED: 5/5/08**

\* ALSO ADMITTED IN NEW JERSEY  
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 \* ADMITTED IN NEW YORK STATE

**Re: United National Specialty Insurance Company v. 1854 Monroe Avenue H.D.F.C. et al**  
 Docket No.: 07 CV 10934 (PKC) (THK)  
 Our File No.: 07-544

Dear Judge Katz:

We represent United National Specialty Insurance Company ("United") with regard to the above referenced matter. We write to request an adjournment of the settlement conference scheduled for May 7, 2008 at 10:00 a.m.

We request an adjournment because we intend to make a motion for summary judgment seeking a declaration from the Court that United is not obligated to defend and indemnify claimant Eulalia Balaguer under United's policy of insurance with 1854 Monroe Avenue H.D.F.C. ("Monroe"). Judge Castel recommended that we make this motion at the initial conference, assuming that we secured a default judgment against the insured, Monroe. United has now secured a default judgment against Monroe, and Balaguer is the only remaining defendant. As Balaguer can have no greater right under the policy than Monroe, Judge Castel suggested that we move against Balaguer. Therefore, we request an adjournment of this conference until after our motion for summary judgment has been filed and decided.

**MIRANDA SOKOLOFF SAMBURSKY SLOWNE VERVENIOTIS LLP****Honorable Theodore H. Katz**

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There have not been any previous request for an adjournment of this conference but Michael C. Beatty, counsel for the claimant Eulalia Balaguer does not consent to this adjournment.

In the alternative, if the Court will not adjourn the conference until after our motion is filed and decided, we request that the Court indulge us in postponing this conference until any date after Wednesday May 7, 2008. I just received notice today, May 2, 2008 that I must attend a deposition on May 7, for a very ill deponent and will not be able to personally attend the conference on that date.

Thank you for your attention in this matter.

Respectfully submitted,

**MIRANDA SOKOLOFF SAMBURSKY SLOWNE VERVENIOTIS LLP**

  
Michael A. Miranda

cc: Michael C. Beatty  
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New York, NY 10004

The settlmt conf is  
adjourned sine die.

If there is no summary judgment  
motion or the motion is denied, the  
parties should call chambers to  
reschedule a conference.

5/5/08 Theodore H. Katz  
USAFT